



PATENT No. 08/766,350  
Docket No. 304142000321

# 4

## DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residence, citizenship, and post office address are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: MURINE MONOCLONAL ANTI-IDIOTYPE ANTIBODY 11D10 AND METHODS OF USE THEREOF the specification of which:

- is attached hereto.
- was filed on December 13, 1996 as application serial no. 08/766,350 and was amended on \_\_\_\_\_ (if applicable).

WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge and understand that we have a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

“(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

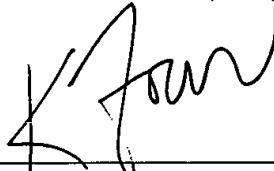
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3-19-97

Date

Malaya Chatterjee

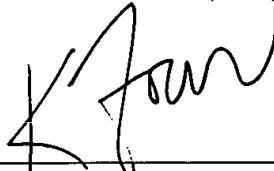
Name: Malaya Chatterjee  
 Residence: Lexington, Kentucky  
 Citizenship: United States of America  
 Post OfficeAddress: 2400 The Woods Lane, Lexington, Kentucky 40502



Date

3/19/97

Name: Kenneth A. Foon  
 Residence: Lexington, Kentucky  
 Citizenship: United States of America  
 Post OfficeAddress: 800 Rose Street, Lexington, Kentucky 40536



Date

3/19/97

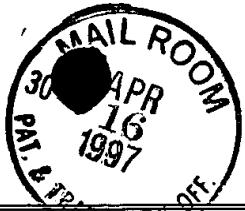
Name: Supri K. Chatterjee  
 Residence: Lexington, Kentucky  
 Citizenship: United States of America  
 Post OfficeAddress: 2400 The Woods Lane, Lexington, Kentucky 40502

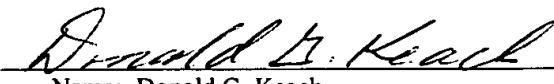


Subscribed and sworn to before me this 19th day of March, 1997.

Myrlena N. Reeves

Myrlena N. Reeves  
 Notary Public, State at Large  
 My commission expires March 27, 2000



<b>CERTIFICATE UNDER 37 C.F.R. § 3.73(b)</b>		Docket No. 30414200321
<p>In the application of: Malaya Chatterjee, et al. Serial No.: 08/766,350 Filed: December 13, 1996 For: MURINE MONOCLONAL ANTI-IDIOTYPE ANTIBODY 11D10 AND METHODS OF USE THEREOF</p>		
<p>The University of Kentucky, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:</p>		
<p>A. <input checked="" type="checkbox"/> An assignment from the inventor(s) of the patent application identified above, for which a copy thereof is attached.</p>		
<p>OR</p>		
<p>B. <input type="checkbox"/> A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:</p>		
<p>1. From : To: The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.</p>		
<p>2. From : To: The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.</p>		
<p>3. From : To: The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.</p>		
<p><input type="checkbox"/> Additional documents in the chain of title are listed on a supplemental sheet.</p>		
<p><input type="checkbox"/> Copies of assignments or other documents in the chain of title are attached.</p>		
<p>The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.</p>		
<p>The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p>		
Dated: <u>4/7/97</u>	 Name: Donald G. Keach Title: Manager, Intellectual Property	



Applicant/Patentee: Chatterjee et al.  
Serial No./Patent No.: 08/766,350  
Filed on/Issued: December 13, 1996  
For: MURINE MONOCLONAL ANTI-IDIOTYPE ANTIBODY 11D10 AND METHODS  
OF USE THEREOF

Docket No.: 304142000321

#4

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS 37 C.F.R. § 1.9(f) AND § 1.27(d) - NONPROFIT ORGANIZATION**

I hereby declare that I am

the owner of the nonprofit concern identified below:  
 an official of the nonprofit concern empowered to act on behalf of the concern  
identified below:

Name of nonprofit organization: The Board of Trustees of the University of  
Kentucky

Address of nonprofit organization: Lexington, Kentucky 40506

Type of nonprofit organization:

University or other institution of higher education  
 Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and  
501(c)(3))  
 Nonprofit scientific or educational under a statute of a state of the United  
States of America

Name of state:

Citation of statute:

Would qualify as tax exempt under Internal Revenue Service Code  
(26 U.S.C. §§ 501(a) and 501(c)(3)) if located in the United States of America  
 Would qualify as nonprofit scientific or educational organization under a  
statute of a state of the United States of America if located in the United States  
of America

Name of state:

Citation of statute:

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit  
organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees to the United  
States Patent and Trademark Office regarding the invention entitled MURINE MONOCLONAL  
ANTI-IDIOTYPE ANTIBODY 11D10 AND METHODS OF USE THEREOF inventor(s)  
Malaya Chatterjee, Heinz Kohler, Sunil K. Chatterjee and Kenneth A. Foon described in:

the specification filed herewith.  
 application serial no. 08/766,350, filed December 13, 1996.  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that the rights under contract or law have been conveyed to and remain  
with the nonprofit organization regarding the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern  
or organization having rights in the invention is listed below and no rights to the invention are  
held by any person, other than the inventor, who would not qualify as an independent inventor

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.”

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of the foreign application(s) for patent indicated below and have also identified below the foreign applications for patent or inventor's certificate on this invention having a filing date before that of the application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Country/International	Application No.	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
08/575,762 (atty. dkt #30414(20003.00)	December 20, 1995
08/591,965 (atty. dkt #30414(20003.20)	January 26, 1996

I hereby claim benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e). Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 C.F.R. § 1.27)

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Donald G. Keach

TITLE IN ORGANIZATION OF PERSON SIGNING:

Manager, Intellectual Property

ADDRESS OF PERSON SIGNING:

University of Kentucky

Lexington, Kentucky 40506

SIGNATURE:

Donald G. Keach

DATE:

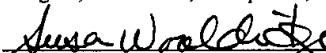
3/26/97



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PATENT  
Docket No. 30414200321

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 14, 1997.

  
Susan L. Wooldridge

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Malaya Chatterjee *et al.*

Serial No.: 08/766,350

Filing Date: December 13, 1996

For: MURINE MONOCLONAL  
ANTI-IDIOTYPE ANTIBODY 11D10 AND  
METHODS OF USE THEREOF

Examiner: Unassigned

Group Art Unit: Unassigned

**POWER OF ATTORNEY  
AND PROSECUTION BY ASSIGNEE UNDER 37 C.F.R. § 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The University of Kentucky, the assignee of the entire right, title and interest in this patent application, hereby appoints:

Thomas E. Ciotti (Reg No. 21,013)  
Gladys H. Monroy (Reg No. 32,430)  
Paul Schenck (Reg No. 27,253)  
Freddie K. Park (Reg No. 35,636)  
Patricia M. Drost (Reg No. 29,790)  
Tyler Dylan (Reg No. 37,612)  
Harry J. Macey (Reg No. 32,818)  
David L. Bradfute (Reg No. 39,117)

Kate H. Murashige (Reg No. 29,959)  
Debra Shetka (Reg No. 33,309)  
E. Thomas Wheelock (Reg No. 28,825)  
Susan K. Lehnhardt (Reg No. 33,943)  
Shmuel Livnat (Reg No. 33,949)  
Antoinette F. Konski (Reg No. 34,202)  
Stuart P. Kaler (Reg No. 35,913)  
Robert Saltzberg (Reg No. 36,910)

Laurie A. Axford (Reg No. 35,053)  
Catherine M. Polizzi (Reg No. 40,130)  
James C. Peacock III (Reg No. 40,124)  
Robert A. Millman (Reg No. 36,217)  
Ronald D. Devore (Reg No. 39,958)  
Alan W. Cannon (Reg No. 34,977)  
Dahna S. Pasternak (Reg No. P-41,411)  
Frank Wu (Reg No. P-41,386)

Mani Adeli (Reg No. 39,585)  
Sean Brennan (Reg No. 39,917)  
J. Michael Schiff (Reg No. 40,253)  
Robert K. Cerpa (Reg No. 39,933)  
Lee K. Tan (Reg No. 39,447)  
Madeline I. Johnston (Reg No. 36,174)  
Stephen C. Durant (Reg No. 31,506)  
Elaine T. Sale (Reg No. P-41,286)

all of Morrison & Foerster, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (415) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all written communications relative to this application to:

Catherine M. Polizzi  
Morrison & Foerster  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to Catherine M. Polizzi (415) 813-5651.

Dated: 3/26/97

Respectfully submitted,

University of Kentucky

By:

*Donald G. Keach*

Name: Donald G. Keach

Title: Manager, Intellectual Property

Address: Lexington, Kentucky 40506